

## **REMARKS**

### **Status of the Claims**

Claims 1-9, 12, 22-24, and 55-61 are currently pending in the application, with claims 1, 56 and 59 being independent. Applicants have not amended any of the claims herein. Additionally, Applicants have added new claims 55-61 to provide an additional scope of protection commensurate with the original disclosure. No new matter has been added.

### **Claim Rejections - 35 U.S.C. § 102(e)**

#### **Arias**

In the Non-Final Office Action mailed December 22, 2008, the Examiner rejected claims 1-6 and 22-24 under 35 U.S.C. § 102(e) as allegedly being anticipated by Arias et al. (US 2002/0133129 hereinafter “Arias”). Applicants respectfully submit that Arias is an improper reference under 35 U.S.C. § 102(e).

Arias has a filing date of March 13, 2001. An earlier claim of priority was not made in the Arias application. The present application claims priority to U.S. Provisional Patent Application No. 60/255,603 filed December 14, 2000. The present application has an earlier effective filing date than Arias. Therefore, Arias is an improper reference under 35 U.S.C. § 102(e).

#### **Dalton**

The Examiner also rejected claims 1, 7-9 and 12 under 35 U.S.C. § 102(e) as allegedly being anticipated by Dalton et al. (US 2005/0197308, hereinafter “Dalton”). Applicants respectfully submit that Dalton is an improper reference under 35 U.S.C. § 102(e).

Dalton has a filing date of December 20, 2004 and claims priority to U.S. Patent Application No. 10/333,448 filed August 12, 2003. As noted above, the present application has an effective filing date of December 14, 2000. The present application has an earlier effective filing date than Dalton. Therefore, Dalton is an improper reference under 35 U.S.C. § 102(e).

For at least the foregoing, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102(e).

### **CONCLUSION**

The foregoing is submitted as a full and complete response to the Non-Final Office Action mailed December 22, 2008, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application that may be corrected by Examiner's amendment, or there are any other issues which can be resolved by telephone interview, please call the undersigned agent at (404) 572-2447.

Applicants submit that a fee is not required for submission of this paper. However, the Commissioner is hereby authorized to charge any fee deemed necessary for consideration of this paper, and to credit any overpayment, to Deposit Account No. 11-0980.

Respectfully submitted,

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